

are with his family, staff, and constituents. May the thoughts and prayers of many give solace to his family and friends during this trying time.

Mr. RANGEL. Madam Speaker, I cannot fully express my sadness over the death of my dearest friend and Congressional Black Caucus Colleague Congressman DONALD PAYNE. Today his constituents in New Jersey's 10th Congressional District, our Colleague in Congress, people across America and around the globe mourn the loss of a great man, leader and humanitarian. DONALD was a champion of the lesser among us who saw wrong and fought tirelessly to make it right.

DONALD sought to give every child a quality education and a fair chance at success no matter where they came from. For over 23 years in Congress, as former Chairman of the Congressional Black Caucus, and Member of the House Committee on Education, he advocated for low-income students across our nation. Moreover, as a Member of the Committee on Foreign Affairs, DONALD worked passionately to restore democracy and human rights in Africa and throughout the world. DONALD and I shared a vision in giving Americans from all walks of life the opportunity to serve and represent our nation abroad. His most recent accomplishment before he passed was the creation of USAID's Donald Payne Development Fellowship Program. Thanks to DONALD's efforts young Americans will have the opportunity to continue DONALD's legacy of promoting peace and compassion to the rest of world.

I will deeply miss my brother DONALD PAYNE whose kindness and commitment to humanity will forever be remembered. My deepest condolences go out to his family and loved ones.

Mr. BISHOP of Georgia. Madam Speaker, I come to the House Floor today to pay tribute to our beloved colleague, dear friend and one of our nation's preeminent humanitarian icons—the late Congressman DONALD PAYNE.

I first met Congressman PAYNE nearly two decades ago and I will always remember him as a kind, welcoming and intellectually gifted individual.

In serving in this distinguished body with Congressman PAYNE over the past few decades, I had the pleasure of seeing him excel in multiple rolls and often under challenging circumstances.

As a former Chairman of the Congressional Black Caucus and more recently Chairman of the Congressional Black Caucus Foundation, I observed firsthand his relentless and passionate advocacy on improving the standards of living for disadvantaged and disenfranchised communities of color all around the world.

And anyone who knew DONALD PAYNE well, knows that one of his biggest priorities was doing all he could to improve the educational standing of our nation's students and young scholars. As a former teacher, he understood better than most in this body, the insurmountable tasks that our educators have in simultaneously instructing and mentoring our future leaders.

He used his senior position on the U.S. House of Representatives Education and the Workforce Committee to aggressively advocate on behalf of America's children. He remained engaged in exploring ways that we could close our nation's educational achievement gap; provide equitable funding for public schools; and make college more affordable.

As the Ranking Member of the House of Representatives Foreign Affairs Subcommittee on Africa, Global Health, and Human Rights, he worked extensively to protect human rights and provide vital humanitarian assistance to developing countries throughout the African continent.

Madam Speaker, today the world has lost an uplifting and inspiring public figure and a remarkable human being. Those of us who were fortunate and blessed to have known and worked with DONALD PAYNE have lost a nurturing mentor and widely-admired colleague.

Congressman PAYNE once said, "There is a lot of dignity in being able to achieve things without having to create rapture." This quote speaks not only to the symbolism of DONALD's civil nature but to the substance of his lifelong mission of accomplishing good deeds through consensus rather than conflict.

Madam Speaker, I would ask that all my colleagues take time out of their schedules today to pay tribute to DONALD PAYNE for all that he did and all the good things that his legacy will continue to inspire us to do.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3606, JUMPSTART OUR BUSINESS STARTUPS ACT

Mr. SESSIONS (during the Special Order of Mr. ROE of Tennessee), from the Committee on Rules, submitted a privileged report (Rept. No. 112-409) on the resolution (H. Res. 572) providing for consideration of the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, which was referred to the House Calendar and ordered to be printed.

#### CLEARING THE NAMES OF JOHN BROW AND BROOKS GRUBER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from North Carolina (Mr. JONES) is recognized for 30 minutes.

Mr. JONES. Madam Speaker, thank you very much.

I was elected in 1995. Shortly after being sworn in, I was appointed to the Armed Services Committee. In my district of eastern North Carolina, we have Camp Lejeune Marine Base, Cherry Point Marine Corps Air Station, New River Marine Corps Air Station, and Seymour Johnson Air Force Base.

At the time, I was familiar with the Marine Corps' desire and need to have the MV-22 Osprey. The Osprey is the plane that can go from a helicopter mode to a plane mode. I realized it was at that time very controversial. In fact, Secretary of Defense Dick Cheney was opposed to the plane's ever becoming a reality, and as a Member of Congress I was very supportive. I was a new Member, obviously, and I was very much supportive.

Madam Speaker, I am just going to hold up for a moment what the Osprey looks like, which is the plane I was just

describing. It is an unusual-looking bird, but the Marine Corps believes it's what it definitely needs to complete its mission of serving this great Nation.

On April 8 of the year 2000, a tragedy happened in Marana, Arizona. Colonel John Brow, who is to my left on this poster, was the pilot; and the copilot was Major Brooks Gruber. That night, 19 marines on a mission at Marana, Arizona, on Night Hawk 72, which was being piloted by Brow and copilot Gruber, flipped and crashed and burned, and 19 marines were killed. It was a very tragic, tragic happening, a very tragic night.

The wife of Major Brooks Gruber contacted me and asked me if I would please look into the fact that the Marine Corps had issued a press release, and I'm going to just touch on this very briefly.

The Marine Corps officials say that a combination of factors caused the Osprey accident. A report released by Marine Corps officials today confirmed that a combination of human factors—and that's a problem, Madam Speaker, those words "human factors"—caused the April 8 accident. General Jones replied: "Unfortunately, the pilots' drive to accomplish that mission appears to have been the fatal factor."

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Madam Speaker, again, from Marine headquarters, they sent out this press release nationally and internationally. Therefore, people started believing that the pilots were somewhat responsible for the accident.

About a year later is when Connie Gruber contacted me, and I would like to read part of her email to me, December 10, 2002:

I contacted you in hopes that leaders of integrity, free of bias, would have both the intelligence and the courage it takes to decide the facts for him or herself. If you do that, you will agree the "human factor/pilot error" findings should not stand as it is in military history. Again, I respectfully ask for your support. Please do not simply pass this matter along to General Jones without offering the support my husband and his comrades deserve. Please remember, these 19 marines can no longer speak for themselves.

Madam Speaker, that email from Connie Gruber started a 10-year journey. From that journey I continued to reach out to experts, which I am no expert, Madam Speaker, at all. But I had to believe the wife of Brooks Gruber that she and Trish Brow, the wife of the pilot, Major John Brow, that they told me that their husbands have the right to rest in peace.

So, Madam Speaker, from that I would like to read some comments. Rex Rivolo wrote me this in the effort of trying to clear the names of John Brow and Brooks Gruber:

I write in an attempt to help correct a great injustice perpetrated on Lieutenant Colonel John Brow, United States Marine Corps, and Major Brooks Gruber, United States Marine Corps, in attributing the cause of the MV-22 mishap in Marana, Arizona, on April 8, 2000, to aircrew error. At the time of the mishap, I was the principal

analyst for the V-22 as a research staff member at the Institute For Defense Analyses, a nonprofit organization supporting the Department of Defense Office of Director of Operational Test and Evaluation.

Madam Speaker, another individual who's an expert that joined us in this effort to clear the names of John Brow and Brooks Gruber is Phil Coyle, and I want to quote what he put in an email to me on November 8, 2000:

Major Gruber should not be blamed for flying his aircraft on a flight path that he was not trained to fly and expected to fly. The Marine Corps knows today that flight path was lethal, but they did not know it then, and neither did Major Gruber. Considering it was ignorance on the part of the Marine Corps that caused the April 8, 2000 accident, the Marine Corps should make it clear to Major Gruber's family—with no ifs, ands, or buts—that Major Gruber was not responsible for the accident.

Madam Speaker, I continue to go on, because this has been a 10-year effort for the families of John Brow and Brooks Gruber.

Madam Speaker, the Marine Corps, shortly after the accident, assigned three marines the day after the accident on April 8 to fly to Arizona and to do their own investigation for the United States Marine Corps. At the time, Colonel Mike Morgan was the lead investigator, assisted by Colonel Ron Radich and also Major Phil Stackhouse.

In the JAGMAN report that was the official report for the Marine Corps of the accident, on page 77 they stated:

During this investigation we found nothing that we would characterize as negligence, deliberate pilot error, or maintenance/material failure.

Madam Speaker, in this 10-year journey to clear the names of these two Marine pilots, I reached out to the attorneys. John Brow and Brooks Gruber, their families employed Jim Furman, an attorney in Texas, who himself, was a helicopter pilot in Vietnam. He is an outstanding attorney, and he defended the two pilots when they went and filed suit against Bell Boeing.

In a letter on April 28, 2010, from Jim Furman to me in this effort to clear the names of John Brow and Brooks Gruber, he wrote:

It was not the mission of the operation evaluation crew to discover the new boundaries and limitations associated with the V-22. Engineering test pilots, under appropriate test conditions, should have done this. It is simply wrong and improper to place this burden upon Gruber and Brow. They did the best job they could have done under the circumstances.

Prior to the March 2000 crash, the Navy already had reports of strange asymmetric response in the aircraft. These events should have been completely investigated before any more operational testing continued.

Madam Speaker, I have over seven or eight emails that are two or three pages from Jim Furman in his effort to help us clear the names of Colonel John Brow and Major Brooks Gruber.

From the attorney for the 17 marines' families who were in the V-22 that crashed—and these young men

were killed in that crash—Brian Alexander defended the 17 families, and he said:

Please thank Congressman Jones for contacting me and assure him that I stand by ready to assist him in any way that I can. As a former Army aviator and lawyer who had the privilege of representing the marines who gave their lives in the Marana crash, I applaud the Congressman's efforts to clear the names of pilots Gruber and Brow from any and all blame for this senseless tragedy. Due to these undisputed reasons, the pilots are not to blame and should be fully exonerated.

Again, the two attorneys, Jim Furman in Texas and Brian Alexander in New York, they defended the families in the lawsuit that was settled out of court by Bell Boeing. Madam Speaker, I also would like to share for the Record—you might say, well, if the lawsuits are over, then why won't the Marine Corps give the families what they are looking for as a clear exoneration of John Brow and Brooks Gruber?

Madam Speaker, I can't answer that but recently, about 4 months ago, I had the pleasure of meeting with General Rutter, who was representing the Commandant, and he was asking what would help the wives bring this to an end, so to speak. There is no way you can replace the husbands and the 17 marines who were burned to death. So the wives gave me a paragraph that they would like for the Marine Corps to issue to them on Marine Corps stationery and also a press release, Madam Speaker, and it states:

The United States Marine Corps concurs that pilots Lieutenant Colonel John Brow and Major Brooks Gruber were not at fault for the April 8, 2000, Osprey accident. The original accident report will officially include this statement of fact. A copy of the official statement will be formally presented to the Gruber and Brow families as written evidence to this fact. A press release and formal statement will also be publicly issued by military officials.

Madam Speaker, I don't know why the Marine Corps has not been willing to give the families this closure that they have asked for.

I just touched on a few of the letters of many people who were so familiar with the program and the V-22 in the early stages that have joined in this effort, so it is hard to understand why the Marine Corps will not give the families this one paragraph. Madam Speaker, I will continue to work and to speak out because that's the least that the Marine Corps can do for these families.

Let me also share that I reached out to the investigators, Major Morgan, Major Radich, and Major Stackhouse. Madam Speaker, they in July and August of this year sent me 2-page letters from each one of them stating clearly that if there is anything in the JAGMAN report that has been misunderstood, that they found it was pilot error, to please have it recanted because that's not what they wrote in the JAGMAN.

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Madam Speaker, I have a copy of the JAGMAN. I have read from one page what they said about the pilots on page 77 that nothing was done by the pilots in a deliberate way to cause the accident.

Madam Speaker, I'd like to read now just a couple of sentences from Lieutenant Colonel Mike Morgan's letter back to me. He again was the lead investigator that wrote the JAGMAN report. He said:

John Brow and Brooks Gruber performed as model wingmen on this mission. They were doing exactly what was expected of a wingman on a tactical flight.

Lieutenant Colonel Morgan further stated:

John Brow and Brooks Gruber did their job, and did it well. I look forward to the day when DOD officials accurately recognize the sacrifice made by them and all the marines of Nighthawk 72.

From Lieutenant Colonel Ron Radich, he was the assistant JAGMAN investigator:

It would be morally wrong to place the blame on the pilots of Nighthawk 72. Prior to the mishap, control measures to mitigate the risk of vortex ring state were deficient. With no knowledge, training, or warning concerning the possible consequences of vortex ring state, the pilots of Nighthawk 72 were essentially on their own in uncharted territory.

Madam Speaker, what Colonel Radich is saying is that they were put into the cockpit flying this plane with 19 marines, counting the two pilots on this plane, and they had no idea of how to react to the condition known as vortex ring state, VRS. They had not been trained. The plane was not even prepared to warn them of such a happening.

And the third investigator, Madam Speaker, was Captain Phil Stackhouse and he said:

I do not feel that our investigation reflects that the mishap was a result of pilot error and if this investigation was interpreted that way, it was misinterpreted. For any record that reflects the mishap was a result of pilot error, it should be corrected. For any publication that reflects the mishap was a result of pilot error, it should be corrected and recanted.

Madam Speaker, there cannot be stronger support for this change to make sure that the Marine Corps would issue a statement to the families and also issue to the families a paragraph that would clearly state that their husbands were not at fault.

Madam Speaker, some people might just say, Congressman, why have you spent 10 years trying to clear the names of two pilots that you never knew?

Well, Connie Gruber, the wife of Major Brooks Gruber, she does live in Jacksonville, North Carolina, and she and her a little girl, Brook, deserve to have this paragraph for the future of their family, to clearly state that the pilots were not at fault.

Trish Brow lives over in California, Maryland. John Brow was her husband,

and I have been with one of her sons, Michael, who was in my office a year ago in March when we talked about our strategy to clear the names of these two Marine pilots. I never will forget that Michael leaned up after we talked, about five adults, including his mom in there, and he leaned up and he said, May I say something? And we all said, Certainly, whatever you'd like to say. And he said, Will you please let me clear my father's name.

Madam Speaker, the ball is in the Marine Corps' court. All of the evidence and all of the experts have joined in this effort to clear the names of the two pilots. On these charts, you can see the faces of the two Marine pilots. Right immediately close to me is Colonel John Brow, the pilot; and beside him is Major Brooks Gruber, who was the copilot. I think about what I have said to the wives and to their sons and daughters: It's time that the Marine Corps salute Colonel John Brow and Major Brooks Gruber and say, Colonel and Major, you may rest in peace. Don't ever worry about your name again. We have done everything we can as the United States Marine Corps to make sure that the public knows that you two, pilot and copilot, were not at fault for that tragedy on April 8 of 2000.

Madam Speaker, just a couple more minutes and I will bring my comments to a close.

I had someone send to me a quote by Voltaire that says, "To the living, we owe respect; to the dead, we owe the truth." And that's why I wanted to be on the floor tonight to share just a few comments by the experts, not by me. I am no expert. I'm just one man who believes what the wife said, Connie Gruber:

My husband and John Brow cannot speak for themselves. Someone has to speak for these two men to clear their names.

The lawsuits are over. They were settled out of court. It was a closed settlement. Nobody knows the figures except the families. I've never heard a figure, so I have no idea. But I know one thing. When a firm as large as Bell-Boeing, which manufactured the V-22, when they settle out of court, they must feel some responsibility for the accident.

I hope and pray that soon the Marine Corps will close the chapter on the tragedy in the life of Trish Brow and Connie Gruber. The reason they want the letter, Madam Speaker, is so their children, 10, 15, 20 years from now, whenever there's another article written about the V-22 crash in Arizona in the year 2000 and they misstate that this was pilot error, that the families will have an official letter from the Commandant of the Marine Corps that will clearly state that John Brow and Brooks Gruber were not at fault.

Madam Speaker, I'm going to close in about 2 minutes.

I want to call on the United States Marine Corps to come forward and give the families what they are asking. The three investigators, as I said earlier,

have joined in this. Jim Shaffer, Madam Speaker, who was in the air at the same time as this crash, he was flying a V-22 when the other two were flying and before Nighthawk 72 crashed. He was a friend of John Brow and Brooks Gruber. He has joined in this effort. He believes that the right thing to do, based on the circumstances of the time, that the right thing to do is to say that the two pilots were not at fault.

Madam Speaker, I want to thank you for staying a little bit later tonight to give me this time. I'm not going to take the full 30 minutes. There is a lot more I could say, but I think that I've done the first step of what is going to be many steps in coming to the floor and talking about these two pilots and their families until we get the letter from the Commandant that is just one paragraph that clearly states that Lieutenant Colonel John Brow, Major Brooks Gruber, pilot and copilot, were not at fault for the crash that happened on April 8, 2000, in Arizona.

So with that, Madam Speaker, I will ask God to please bless the families of these two pilots and the families of the 17 Marines who were in the back of the V-22 that crashed and 19 died, to bless those families as well. I will ask God to please touch the heart of the United States Marine Corps so that these two Marines can rest in peace.

Madam Speaker, with that, I yield back the balance of my time.

#### SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1710. An act to designate the United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, as the James M. Fitzgerald United States Courthouse.

#### ADJOURNMENT

Mr. JONES. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 48 minutes p.m.), under its previous order and pursuant to House Resolution 571, the House adjourned until tomorrow, Wednesday, March 7, 2012, at 10 a.m., for morning-hour debate, as a further mark of respect to the memory of the late Honorable DONALD M. PAYNE.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5181. A letter from the Acting Under Secretary, Department of Defense, transmitting authorization of Captain Hugh D. Wetherald, United States Navy, to wear the authorized insignia of the grade of rear admiral (lower half); to the Committee on Armed Services.

5182. A letter from the Acting Under Secretary, Department of Defense, transmitting authorization of Colonel Cedric T. Wins,

United States Army, to wear the insignia of the grade of brigadier general; to the Committee on Armed Services.

5183. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Exceptions or Alternatives to Labeling Requirements for Products Held by the Strategic National Stockpile [Docket No.: FDA-2006-N-0364] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5184. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act [CMS-9992-F] (RIN: 0938-AQ74) received February 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5185. A letter from the Chief Operating Officer/President, Financing Corporation, transmitting a copy of the Financing Corporation's Statement on the System of Internal Controls and the 2011 Audited Financial Statements; to the Committee on Oversight and Government Reform.

5186. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (Operations) Limited Airplanes [Docket No.: FAA-2011-0908; Directorate Identifier 2010-NM-251-AD; Amendment 39-16870; AD 2011-24-06] (RIN: 2120-AA64) received February 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5187. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a statement of actions with respect to the GAO report entitled: "NASA: Key Controls NASA Employs to Guide Use and Management of Funded Space Act Agreements are Generally Sufficient but Some Could Be Strengthened and Clarified"; to the Committee on Science, Space, and Technology.

5188. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, Engagement in Additional Work Activities and Expenditures for Other Benefits and Services, April-June 2011: A Temporary Assistance for Needy Families (TANF) Report to Congress; to the Committee on Ways and Means.

5189. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Application of Section 267 to Section 304 Transactions [Notice 2012-15] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5190. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Physical Inspection Pilot Program [Notice 2012-18] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5191. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Department's final rule — Section 51 — Work Opportunity Tax Credit; Section 52 — Special Rules; Section 3111(e) — Credit for Employment of Qualified Veterans [Notice 2012-13] received February 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5192. A letter from the Inspector General, Department of Health and Human Services, transmitting Community Living Assistance Services and Supports Program: 2011 Report to Congress; jointly to the Committees on Energy and Commerce and Ways and Means.